



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,193	03/29/2004	Gabor w. Orosz	GO-1-gw	2861

7590 11/17/2006  
Michael I. Kroll  
171 Stillwell Lane  
Syosset, NY 11791

EXAMINER

FONSECA, JESSIE T

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,193

Applicant(s)

OROSZ, GABOR W.

Examiner

Jessie Fonseca

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-14 have been examined.

#### ***Specification***

The abstract of the disclosure is objected to because the abstract in entirety does not fall with the required range of 50-150 words. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

Line 3 of page 20, the applicant refers to reference character 22 as a "user" when reference character 22 has previously been defined as "threads" on page 18.

Paragraph 3 of page 21, the applicant refers to reference character 20 as the "floor" when reference character 21 has previously been defined as a "tile gap" on page 18.

Appropriate correction is required.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate both a user and threads. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted

Art Unit: 3637

after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Seibert (US 6,601,361).

Seibert discloses an apparatus comprising:

- A "platform" (12) having an upper (item d, annotated figure 2) and lower (item c, annotated figure 2) surface with a plurality of apertures (30) therein (column 4, lines 21-22). A platform upon which a user can walk is an intended use and is given no patentable weight;
- A plurality of posts (24) extending downward, where the posts are disposed in the apertures (30) on the lower surface of the "platform"

(column 4, lines 26-32). The platform being suspended on posts above the tile is an intended use and is given no patentable weight. The posts consist of a first (item a, annotated figure 2) and second (item b, annotated figure 2) end, where the second (item b, annotated figure 2) end is disposed contiguous to the "platform" (figure 3). The first end of the posts being disposed in the gaps of the tile is an intended use and is given no patentable weight. With regards to the limitation that the second end of the posts is disposed contiguous to the platform, the examiner relied upon Webster's II Dictionary 3<sup>rd</sup> ed. for the definition of contiguous, as it is not defined in the disclosure. According to Webster's II Dictionary 3<sup>rd</sup> ed., contiguous is defined as adjacent to: nearby.

With regards to claim 2, the position of the posts is inherently selectable by a user.

With regards to claim 3, Seibert further discloses apertures (30) spaced apart on the "platform" (12) where the position of the posts (24) in the apertures are user selectable. A large number of apertures (30) are provided, thus allowing for the user to anchor the curtain rod bracket (22) anywhere on the "platform" (lines 46-50).

With regards to claim 4, Seibert further discloses apertures (30) that are threaded (Column 4, lines 26-29).

With regards to claim 5, Seibert further discloses the second end of each post (24) being threaded (32) so as to interact with the threads of the apertures (figure 2 and column 4, lines 21-26).

With regards to claim 6, further discloses a "platform" (12) that is rectangular shaped (column 5, lines 44-47).

With regards to claim 7, Seibert discloses two hundred forty-eight apertures that are capable of interacting with the threads of the fastener. Depending on the size of the curtain rod bracket (22) or through inherent user selection, the posts (24) can be disposed in the corners of the rectangular shaped "platform" (column 4, lines 48-51).

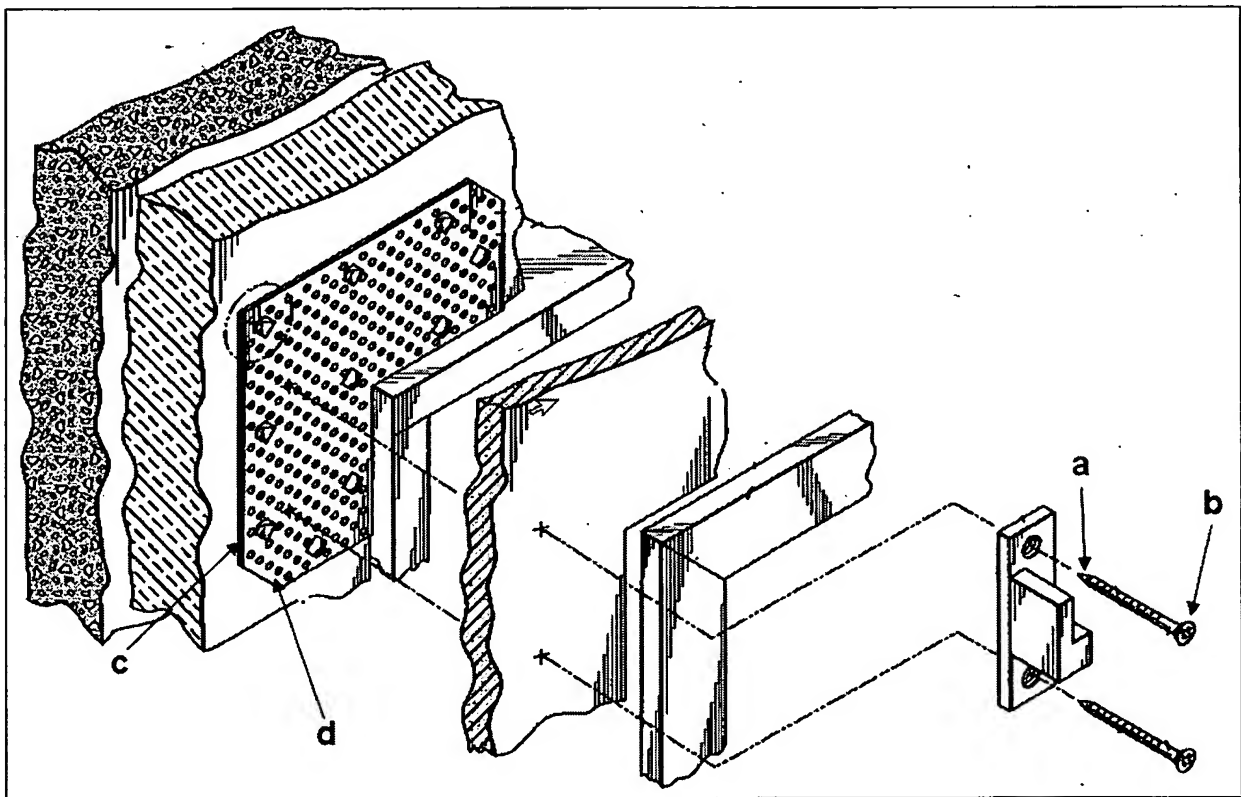


Figure 2: Siebert (US 6,601,361)

Claims 1, 2, and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Jureit (US 3,365,221).

Jureit discloses an apparatus comprising:

A "platform" (30) having an upper and lower surface with a plurality of apertures (35), which is capable of having a user walk upon it;

A plurality of posts (34) extending downward, where the posts(34) are disposed in the apertures (35) on the lower surface of the "platform" (30). The platform being suspended on posts above the tile is an intended use and is given no patentable weight. The posts (34) consist of a first (item i, annotated figure 6) and second (item j, annotated figure 6) end, where the second (item j, annotated figure 6) end is disposed contiguous to the "platform" (30). The first end of the posts being disposed in the gaps between the tile is an intended use and is given no patentable weight.

With regards to claim 2, the position of the posts (34) is inherently selectable by a user.

With regards to claim 3, Jureit discloses further discloses apertures (35) spaced apart on the "platform" (30) where the position of the posts (34) in the apertures (35) are user selectable (column 3, lines 27-36).

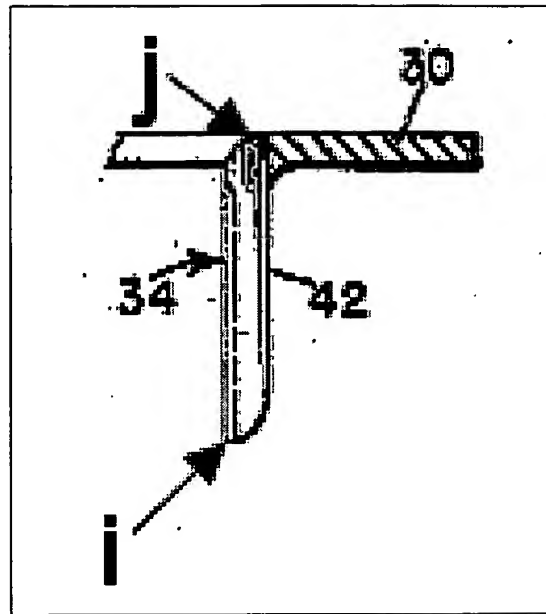


Figure 6: Jureit (3,365,221)

Claims 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Goeman (US 4,359,849).

Goeman discloses an apparatus comprising:

- A "platform" (20) having a lower (item f, annotated figure 3) and upper (item e, annotated figure 3) surface. A platform upon a user can walk is an intended use and is given no patentable weight;
- A plurality of pre-punched tabs (22) disposed from the surface of the "platform" (20), where the tabs (22) can be downward extending away from the lower surface to allow for the capability of the "platform" to be suspended on the tabs above the tile. The tabs have a first (item g,



Art Unit: 3637

annotated figure 3) and second (item h, annotated figure 3) end, where the second (item h, annotated figure 3) end of the tab (22) is disposed from the "platform" (20). The first end of the tab being positioned in the gaps between the tile is an intended use and is given no patentable weight.

With regards to claim 10, the position of the tabs is inherently selectable by a user.

With regards to claim 11, Goeman further discloses tabs (22) that are spaced apart, where tabs (22) can be selected to be bend downward (figure 3 and column 3, lines 47-51).

With regards to claim 12, Goeman further rectangular shaped "platform" (figure 3 and column 3, lines 51-54).

With regards to claim 13, Goeman further discloses tabs (22) that disposed on the corners of the rectangular shaped "platform" (figure 3 and column 3, lines 51-54).

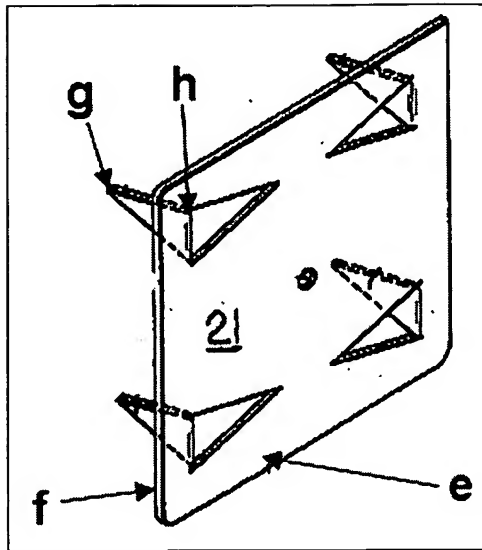


Figure 3: Goeman (US 4,359,849)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siebert (US 6,601,361) in view of Jureit (US 3,365,221).

Siebert doesn't explicitly disclose a non-slip material being disposed on the upper surface of the "platform." However, Jureit teaches a metal plate capable of having a friction coating applied, so as to provide traction (column 2, lines 12-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

Art Unit: 3637

“platform” of Siebert to have the friction coating as taught by Jureit, in order to allow for adherence between the Siebert “platform” and a plaster coating.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goeman (US 4,359,849) in view of Juriet (US 3,365,221).

Goeman doesn't explicitly disclose a non-slip material being disposed on the upper surface of the “platform.” However, Jureit teaches a metal plate capable of having a friction coating applied, so as to provide traction (column 2, lines 12-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the “platform” of Goeman to have the friction coating as taught by Jureit, in order to allow for adherence between the Goeman “platform” and a plaster coating.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jones discloses a piece of metal having a plurality of prongs extending from the base portion (US 2,058,319).

Mageoch disclose a method for forming screw threads (US 2,441,580).

Menge discloses a gusset plate with a rectangular configuration having a series of punched out teeth (US 3,011,226).

Sanford discloses a double tooth connector plate with holes located at each corner of the plate for receiving nails (US 3,104,429).

Dufficy disclose a truss connector plate with a rectangular configuration and series of apertures formed therein (US 3,281,168).

Moehlenpah discloses a connector plate with a rectangular configuration having a series of punched out teeth (US 3,417,651).

Menge discloses a reinforcing gusset plate with plurality of teeth extending from the rectangular base (US 3,417,652).

Kobayashi et al. discloses an interior panel that overlies the floor surface (US 4,593,499).

Nagare et al. discloses a free access type floor with engaging members at each corner of the board (US 4,736,555).

Matlock disclose a nail plated with a plurality of teeth struck from the base (US 5,116,179).

Chiodo discloses a anchor device with a plate having a rectangular conguration with an aperture in each of the four corners (US 5,307,603).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessie Fonseca whose telephone number is (571)272-7195. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JF JF  
11/08/06

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

